

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICRON TECHNOLOGY, INC.,

Plaintiff,

v.

UNITED MICROELECTRONICS
CORPORATION, et al.,

Defendants.

Case No. 17-cv-06932-JSW

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR JURISDICTIONAL
DISCOVERY AND REFERRING
DISCOVERY DISPUTES TO
MAGISTRATE JUDGE**

Currently pending before the Court is Defendant United Microelectronics Corporation's ("UMC") motion to dismiss this action for lack of personal jurisdiction. The Court has reviewed UMC's motion and Plaintiff's opposition thereto. The Court finds that Plaintiffs have failed to make a prima facie showing that the exercise of personal jurisdiction over UMC is proper. *See Ballard v. Savage*, 65 F.3d 1495, 1498 (9th Cir. 1995). However, before dismissing for lack of jurisdiction, jurisdictional discovery "should be granted when . . . the jurisdictional facts are contested or more facts are needed." *Laub v. U.S. Dep't of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003).

The Court has determined that further factual development is required on two issues: (1) whether UMC, or someone working on UMC's behalf (such as Mr. Wang), downloaded alleged trade secrets from Plaintiff's servers knowing that the servers were located in the United States, and (2) the extent to which UMC's American subsidiary, UMC Group (USA), aided UMC's recruitment activities and whether these recruitment activities relate to the allegations in this lawsuit.

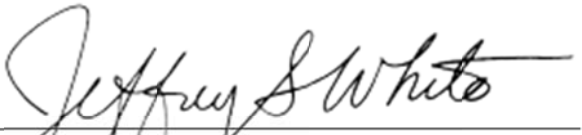
The Court HEREBY REFERS this case to a randomly assigned magistrate judge to handle any discovery disputes that may arise. The parties shall meet and confer in person in an attempt to

1 arrive at an agreement as to the scope and limits of the discovery into the two issues the Court has
2 identified. If the parties are unable to agree, they shall submit their respective positions to the
3 Magistrate Judge consistent with that Judge's procedures.

4 The parties shall conclude their jurisdictional discovery by Monday, July 23, 2018.
5 Plaintiff shall then submit a supplemental opposition brief to UMC's motion to dismiss by August
6 13, 2018. UMC shall then submit a supplemental reply brief by August 27, 2018. The
7 supplemental briefs shall not exceed 15 pages. A hearing on UMC's motion to dismiss shall be
8 held on Friday, September 21, 2018 at 9:00 a.m. Prior to either party requesting a modification of
9 this schedule, the parties shall meet and confer and, to the extent possible, submit a stipulation and
10 proposed order to this Court, not the Magistrate Judge.

11 **IT IS SO ORDERED.**

12 Dated: April 23, 2018

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15 JEFFREY S. WHITE
16 United States District Judge
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cc: Magistrate Judge Referral Clerk